

REMARKS

The Office Action mailed August 29, 2006 has been received and reviewed. Claims 1 through 36 were currently pending in the application. Claims 1-8, 17, 18 and 24-36 were withdrawn from consideration as directed to non-elected groups and are accordingly canceled herein. Accordingly, claims 9 through 16 and 19 through 23 are currently under consideration and each stands rejected. Claims 9, 19, 20, 21 and 23 have been amended. Reconsideration of the application as amended herein is respectfully requested.

35 U.S.C. § 102(b) Anticipation Rejections

Claims 9 through 16 and 19 through 23 were rejected in the Office Action as assertedly being anticipated under 35 U.S.C. § 102(b) by U.S. Patent 3,651,589 to Reynolds. ("Reynolds"). Applicant respectfully submits that, as amended, such claims define over Reynolds.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

Verdegaal Brothers v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The Office Action merely cites Reynolds Figs. 9-13 as showing the configuration of the valves and Figs. 1-8 as showing the apparatus.

Reynolds is directed to an earth moving scraper with hydraulic systems that include means to prevent various "components from moving between their alternative positions in other than a desired sequence." (Reynolds, Abstract). As explained in its specification, the details of the Reynolds hydraulic systems require movement of the components in a specific sequence. Specifically, the Reynolds system does not allow adjustment of the bucket position when the cutting blade is deployed, stating: "Thus, in accordance with the objects of this invention, the bucket must be lowered to loading position before the blade can be lowered against the surface of the soil. (Reynolds column 5, lines 66-68)." Reynolds further explains that "Thus, and again in accordance

with one of the objects of this invention, the bucket can be tilted only after the blade has been raised." (Reynolds, column 6, lines 34-36). Reynolds then again states that "Thus, the operator is assured that the bucket will not be tilted into unloading position until the frame and thus the blade has been fully raised, because it is only when the actuators 34 are fully retracted that pressure fluid from line 50 and within bypass line 69 can open the check valve 62. (Column 6, lines 46-52)."

As amended, claim 1 includes the elements of "a cutting blade attached to the frame between the opposing sides" and "a second valve interconnected in the hydraulic system for preventing movement of the bucket or the apron such that the bucket can be locked in a desired position regardless of a height of the cutting blade."

Similarly, amended claim 19 includes the elements of "the bucket can be locked in a desired position regardless of a height of the cutting blade." Support for these claim amendments may be found in the as-filed specification at paragraphs [0031], [0040] [0044] and [0052].

Applicant respectfully requests that as amended claims 9 and 19 contain elements not disclosed in Reynolds that such claims, together with the claims dependent therefrom, be allowed.

CONCLUSION

All pending claims are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Office determine that additional issues remain which might be resolved by a telephone conference, the Examiner is respectfully invited to contact Applicant's undersigned attorney.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Bretton L. Crockett", with a long horizontal flourish extending to the right.

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